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**Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields**

**Follow-up to the outcome of the Millennium Summit**

**General and complete disarmament**

**Sustainable development**

**Human rights questions**

## Letter dated 13 June 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

Further to my letter of 7 April 2005 (see annex I), I would like to inform you that the United Kingdom of Great Britain and Northern Ireland hosted a meeting of experts on 26 May with representatives of international and regional organizations from 22 countries to discuss the principle of an arms trade treaty. I am attaching a copy of the Chairman's conclusions from that meeting (see annex II); though they reflect the overall direction and content of discussions, they do not represent a binding commitment for the participants.

I would be grateful if you could circulate the conclusions, along with my letter (with attachment) of 7 April 2005, as documents of the General Assembly under agenda items 45, 55, 65, 85 and 105.

(*Signed*) Emyr **Jones Parry**

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**Annex I to the letter dated 13 June 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General**

**Letter dated 7 April 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General**

I am attaching a copy of the Foreign Secretary's speech of 15 March outlining UK's support for an international Arms Trade Treaty (ATT). This statement builds upon a commitment first announced in September last year.

The UK supports the start of a formal process of negotiation within the UN system that will lead to an international legally binding treaty covering trade in all conventional arms. Our aim is to build support for this process to get underway as soon as is realistic.

It is clear that the inappropriate and irresponsible trading of conventional weapons continues to fuel conflict and human rights abuses across the globe, causing untold suffering to millions and hampering development efforts. An international treaty that makes clear what constitutes unacceptable practice, while also protecting legitimate trade and security needs enshrined under Article 51 of the UN Charter, is crucial in tackling this problem.

We are adding our voice to those of other states and groups from both the developed and developing world (most recently the Commission for Africa) who are already committed to this principle. We believe the UN is the only organisation with the mandate and reach to make such a treaty a reality.

In his speech on 15-March, the Foreign Secretary outlined some elements that the UK would like to see on the table for negotiation. Principal among these is that an ATT should ideally cover all conventional arms. All conventional weapons can, and are, used to inflict misery. We look forward to other states sharing their experience and ideas within a formal negotiating framework.

The UK remains fully committed to the work of the UN Programme of Action on Small Arms and Light Weapons (SALW) and is increasing activity under our own Transfer Controls Initiative (TCI). We see an ATT as a separate, self-standing process that builds on good work done elsewhere, but that should neither be governed by that work, nor in turn should it undermine progress on it.

Emyr **Jones Parry**

**Attachment to the letter dated 7 April 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General**

SPEECH BY THE FOREIGN SECRETARY AT
INSTITUTE OF CIVIL ENGINEERS
15 MARCH 2005

A GLOBAL ARMS TRADE TREATY

Paul [Eavis], thanks for that introduction, and to you and everyone at Saferworld for the leadership which you are showing on this issue and for organising this event today. Let me also thank John Lloyd, our chairman, and the Institute of Civil Engineers for providing this venue.

Ladies and Gentlemen,

It's difficult to think of a time since the Cuban missile crisis when the threat from weapons proliferation has occupied so much political and public attention.

The debate on military action in Iraq centred on how best to deal with the threat posed by Saddam' s flouting of his disarmament obligations. In Libya, work by the US and the UK persuaded the regime to announce in December 2003 that it would give up its weapons programmes and rejoin the international community. We have worked with a remarkable number of countries from several continents to close down the global proliferation network centred on the Pakistani scientist, A.Q. Khan. And the UK, with France and Germany - the "E3" - is continuing the process of engagement with Iran to ensure that its nuclear programme is solely for peaceful purposes. In this regard I greatly welcome President Bush's decision announced last Friday actively to support the E3' s work.

These issues were and remain of enormous importance to the UK's and the world's security - and a priority of our foreign policy. The Review Conference of the Nuclear Non-Proliferation Treaty, this May, will be a chance to affirm that it is in all our interests, not just those of the West, to avoid the spread of weapons of mass destruction.

But this threat is by no means the whole focus of our work on non-proliferation - nor should it be.

In comparison with "weapons of mass destruction", the term "conventional weapons" sounds bland. But the spread of conventional weapons has a profound effect on international security and prosperity, and on our own well-being at home. Controlling that spread therefore requires action by the whole international community.

I want to explain today the part which the UK is playing in that work; and how we want to intensify it in the years ahead.

But let me begin by explaining why this threat is so important.

George Orwell once suggested that "ages in which the dominant weapon is expensive or difficult to make will be ages of despotism; whereas when the dominant weapon is cheap and simple, the common people have a chance".

I disagree. The fact is that relatively "cheap and simple", conventional weapons, whether the guns of bandits and rebels, the bombs of terrorists, or the tanks of repressive regimes, account for an enormous amount of avoidable human misery across the world, and hit the poorest and most vulnerable worst of all.

The statistics make sobering reading.
Almost one person every minute is killed by a bullet from a gun. The first piece of modern technology which a child in parts of the developing world will see is often a Kalashnikov.

A Congolese NGO has estimated that there are up to 800,000 illegal small arms in the Democratic Republic of Congo - a country where six years of conflict have caused millions of deaths.

In Sudan, it is, again, conventional weapons which are used by all sides to bring such terrible suffering to scores of thousands of people. Yesterday we heard a United -? Nations estimate that over 150,000 people have died in Darfur. Most have perished not from armed violence but from starvation; but the conditions of starvation have been enforced by guns.

The impact of readily-available, cheap and simple weapons is greatest where there is internal conflict and civil war. But it goes far wider.

Cities around the world are made more dangerous by the presence of guns on their streets - often in the hands of rival organised gangs. It is estimated that more than a tenth of El Salvador's GDP is lost due to violence, double the amount of Government spending there on health and education. That is just one example of the appalling levels of armed violence across Central America as a whole. Meanwhile terrorists seek every kind of conventional weapon - from guns to bombs to missiles - for use in their despicable attacks.

The prevalence of such weapons plainly creates a general climate of fear and insecurity which holds back development; makes foreign investors stay away; and stifles people's hopes of building themselves a better future. In these ways the threat which they present goes far wider than the immediate violence which they inflict. And developing countries who spend already over-stretched budgets on armaments for which they have no clear need are bound to have too little left for health, education and vital infrastructure.

The threat from the spread of conventional weapons therefore has an impact across the whole range of international policy - bringing development and security, as ever, together.

And in making the world less safe and less prosperous, there is an impact on Britain's own security and prosperity at home.

When we came into Government eight years ago we were determined to work for more effective global arms control.

We started from the conviction that Britain's strength in the global defence market – a strength which we want to maintain - brings with it a responsibility to ensure that we operate and trade in a way which is transparent, responsible and accountable.

One of the first acts of my predecessor as Foreign Secretary, Robin Cook, was therefore to set out anew, transparent and accountable approach to the licensing of the UK's defence exports.

We published new national criteria for decisions on arms export licences in 1997. Through the 2002 Export Control Act, which came into force last May, we have honoured our pledge to modernise the legal framework for the UK's export controls - the most radical reform of this legislation since the 1930s.

We have made accountability a focus of our policy on export licences - because while outside scrutiny isn't always comfortable, it is what makes Governments work most effectively. Our Annual Report on Arms Exports, probably the fullest and most transparent of any European nation, is now in its eighth year. Last July, we added to that a new Quarterly report now available on the Internet. I and other Ministers regularly go before the Quadripartite Committee of Parliament on arms control, which combines senior members of four Select Committees, to respond to questions and criticism both on individual licence decisions, and on our policy as a whole. It's this external accountability, as I've said, which makes the internal processes effective. If as a Minister you know that your day-to-day decisions are to be scrutinised in this way, it concentrates your mind and those of the whole official machine of government on ensuring that decisions are justified and justifiable.

Our work here in the UK represents an important record of achievement. But acting on our defence exports alone is far from enough.

We have therefore sought to make this country a leading player in work for better conventional arms control around the world.

It was through a linked initiative of Robin Cook that the UK drafted and then got adopted the EU Code of Conduct on Arms Sales, under our EU Presidency in 1998. The Code sets clearer and better standards than ever before for arms export licensing. It included an important new mechanism under which an EU country must consult with others if it receives an application essentially similar to one already refused by another member. We are now close to agreeing a

revised Code, which will include new provisions on arms brokering, transit and transhipment, and on the electronic transfer of technology.

We are strong supporters of the UN Programme of Action on Small Arms and Light Weapons; and of the growing discussion in other UN bodies on this issue, notably in the Security Council.

To support the UN Programme of Action, the UK launched in 2003 the "Transfer Controls Initiative", aimed at securing international agreement to common standards on small arms and light weapons transfers at the UN Programme of Action Review Conference next year. This Initiative is based on a bottom-up approach, working through dialogue, meetings and workshops around the world to establish common ground. We have recently funded regional seminars in Buenos Aires, Nairobi and Managua, which made excellent progress; and we are planning more.

Yet even if the arms trade came to an end tomorrow, there would still be countless millions of weapons, many illicitly held, in circulation around the globe. Alongside our strong political engagement, therefore, we have greatly increased the UK's practical support for weapons destruction and management - making the UK the largest and most influential international donor in the fight against the spread of conventional weapons world-wide.

Over the last years, the British Government has funded equipment and programmes for weapons destruction in countries such as Afghanistan, Albania, Bosnia, Kenya, South Africa and Mozambique. We have given £7.5 million to support the UN Development Programme's work on weapons collection and destruction in over 25 developing countries. And for 2004-2007, we have allocated £ 131f4 million to implementing the UK Small Arms Strategy.

We fund projects such as a new gun-crushing facility for the Jamaican police, to allow them safely to destroy seized illegal weapons - an initiative which should be operational in the next few weeks. We support programmes to reduce armed violence such as that run by Viva Rio, a local NGO in Rio de Janeiro which is working through mediation, community policing and neighbourhood campaigns. Weapons amnesties and destruction ceremonies, with strong support from local communities and the state and federal governments, have now become regular events in Rio - with over 300,000 weapons surrendered and destroyed.

Through the United Nations, we are supporting weapons destruction and stockpile management programmes elsewhere in Latin America. And only three weeks ago we announced £400,000 of funding towards a NATO project destroying weapons such as surface-to-air missiles in Ukraine. Such projects ensure that these weapons cannot be diverted for use in violent crime, conflict or terrorism.

Ladies and Gentlemen,

I am proud of the commitment, both political and financial, which the UK is making on conventional weapons proliferation.

But in all of this, one crucial element is still missing.

We have global, legally-binding treaties covering chemical, biological and nuclear weapons - and global mechanisms to implement them.

Yet we still have no such legally-binding international treaty on conventional arms exports - weapons which per item are plainly less lethal than a nuclear or chemical bomb, but which account today for far more misery and destruction across the world.

That is a gap which I want the international community to fill.

I therefore announced last September that the UK would work with others to secure an International Arms Trade Treaty.

The final shape of the Treaty will of course depend on the outcome of negotiations - which are bound to take time.

But just because this is an ambitious vision does not mean that we should be discouraged from starting work. In 1997, the Ottawa Convention on Anti-Personnel Landmines was only a visionary idea, and at first negotiating it was an uphill struggle against a lot of scepticism, with people saying that the time wasn't right, or the problem was too large. But the Convention is now a reality, with 144 signatories, producing tangible results on the destruction of landmines and on banning their trade - and changing the political climate to make the use of landmines unacceptable around the world. That shows what can be achieved.

So today I want to suggest six points to guide our work for a new Arms Trade Treaty.

First, we should be clear that our goal is a not a voluntary agreement, or a talking shop, but a treaty which is legally-binding on all its signatories, putting on a firm statutory footing the principle of responsibility in arms exports. It should be negotiated in the United Nations and backed by the UN's authority. The global arms trade, bringing together security and development, is just the kind of issue highlighted as a priority in the excellent report of the UN Secretary-General's High-Level Panel, and on which the UN Secretary-General has made clear his wish to improve the UN's work.

Second, the new treaty should cover all conventional arms. Not just small arms.

I have already outlined the impact of small arms in some detail, and much existing work focuses on them. But a much wider range of military equipment and heavy weapons can be,

and is exported inappropriately, and should be included in a new treaty. We don't want to leave gaps between weapons of mass destruction and small arms which unscrupulous nations and exporters can exploit.

Third, this should be a separate. self-standing initiative. A new arms trade treaty will need to build on the good work done elsewhere, notably on small arms and light weapons under the UN Programme of Action and the UK's own Transfer Controls Initiative. It should obviously draw on our experience of the EU code of conduct. But it should neither be governed by those processes nor in turn should it undermine progress on them, notably on initiatives at the United Nations.

Fourth, the treaty's provisions should be based on certain core principles which make clear when exports would be unacceptable.

Every nation has an inherent right to self-defence, solidly enshrined in the Charter of the United Nations - and needs to equip domestic police and security forces adequately, but reasonably, as they safeguard public security and the rule of law and ensure their own external defence. But under the same UN Charter, the UN Declaration on Human Rights and other international law, states are equally committed to certain basic standards of behaviour and policy.

Those commitments should form the bedrock of international criteria to be contained in a new arms trade treaty. Such criteria should include whether exports may be used to abuse Human Rights or breach International Law; whether they may fuel internal or regional conflict or tension; and the risk of their being diverted to terrorists or other undesirable end-users. And the Treaty should include provisions on arms brokering; on transit and transhipment of arms; on licensed production; and on Government-to- Government transfers.

Fifth, the new treaty needs an effective mechanism for enforcement and monitoring. As a minimum that should include an obligation for its signatories to impose criminal penalties on those who flout its rules. A treaty will, I suggest, also require a mechanism for collating information, liasing with regional organisations, and following up allegations of breaches with signatory states. And there will need to be arrangements for sharing timely information on the denial of export licences between the signatories, as there are under the Wassenaar Arrangement in respect of dual-use goods and the EU Code of Conduct. For without enforceability mechanisms and information-sharing, a treaty would risk being one simply on paper, not in fact.

Sixth and finally, the new treaty needs to include a wide range or signatories. including the world's major arms exporters.

I certainly do not underestimate the difficulties of that. Many nations are concerned that a new arms trade treaty may restrict their defence industries; constrain their foreign policy; and lead

to constant legal challenge of export licence decisions. Their approach may initially be one of scepticism, at best.

But in order for it to work properly, a new arms control treaty will need to include as many of the world's nations as possible - especially those with strong defence industries of their own.

So we need to start by persuading our international partners that a more transparent and effective international regime on arms exports is in all our interests.

The basis for beginning that work is there - from the longstanding efforts of our partners such as Costa Rica and Finland, to the calls by the US Congress and the Spanish Parliament for a new and transparent regime for global arms transfers, to a clear statement of the need for a new treaty in the report of the Commission for Africa published last Friday.

We now need to step up our efforts.

I will be putting the subject of a new arms trade treaty on the agenda for the G8 Foreign Ministers' meeting which I will chair this June. And of course I'll be pursuing the issue with EU colleagues including during our Presidency of the EU in the latter half of this year.

I am also asking my officials to convene a meeting of experts before the summer, open to all those countries who want to engage with us positively in working for this treaty, to begin the work of building consensus on the technical aspects of a new treaty.

On all of this, I want us to work closely with those outside government.

Saferworld and other organisations are doing a great deal of really commendable work to promote the concept of an Arms Trade Treaty, and to work on its possible form and content. That input will be Vital as this process continues, not just in building support here in the UK, where there is I believe already a good deal, but in putting pressure on other governments and parliaments around the world to deliver active support for a new treaty. For if the result is to make a real difference, it must be shaped by the needs of those most affected, especially in the developing world. NGOs have a crucial role in making those views heard.

In sum, for this initiative to succeed it must be built on the widest possible partnership. That means one between the developing and the developed world, based on an understanding that arms control is a question which affects us all. And it means partnership between Governments, international organisations and civil society. And above all we must understand that although this issue sounds technical - just as the provisions and language of a new treaty will need to be technical in order to work - this is not simply a technical exercise or one confined to experts. It's about putting into practice values which I, my party and I think all of us hold dear: equality, justice, respect for Human Rights and crucially for the right to life without which there can be no right to liberty.

Ladies and Gentlemen,

We are at the start of what may be a long process. But our commitment to a new treaty to control the trade in conventional weapons which blight so many lives is clear.

I hope that all of you here will work in partnership with us as we seek to make that a reality.

## Annex II to the letter dated 13 June 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

## International arms trade treaty initiative: Chairman's conclusions from the meeting of experts

Representatives of regional and international organizations from 22 countries met in London on 26 May 2005 to discuss calls for an international arms trade treaty. Non-governmental organization representatives from the Control Arms Campaign and the Arias Foundation, and representatives from the United Kingdom's Defence industry, were also present for part of the meeting.

The meeting was convened to explore how an arms trade treaty could help to set common global principles for the trade in conventional arms. A wide range of points were made in discussion. The following summary represents the Chairman's conclusions from the meeting; as such they do not necessarily reflect any unanimous view of the participants.

# I. The principle of an arms trade treaty

Participants recognized the negative impact of irresponsible transfers of conventional arms on conflict and development in some of the most vulnerable parts of the world. Many also agreed on the desirability of a global instrument to promote international standards of responsibility in this trade. They also recognized that the principles underpinning the proposal for an arms trade treaty were consistent with this goal and presented a basis for further work.

Participants recognized the links that exist between the legal and illicit trade in conventional arms. Many illicit arms start life as legal transactions and are diverted for misuse, including for terrorist purposes. Participants acknowledged that common global standards for the legal trade of conventional arms may help to tighten the net on illicit flows, while also preserving the right to access conventional arms for States' legitimate self-defence and security needs.

Participants recognized the work done by the community of non-governmental organizations to champion the establishment of an arms trade treaty and welcomed their contribution to the debate. Participants also recognized reports from the United Nations Secretary-General's High-level Panel on Threats, Challenges and Change, and from the Commission for Africa, which specifically called for the establishment of a legally binding international arms trade treaty.

Participants recognized that a binding global instrument on trade in conventional arms could help to deliver:

- Improved responsibility in States' export control policies against agreed international standards
- A reduction in arms flows to areas of ongoing conflict and undesirable end-users by making diversion of legal flows more difficult

- A clear commitment to the legitimate role that responsible trade in conventional arms has in establishing and safeguarding the security needed for sustainable development in vulnerable parts of the world
- Increased effectiveness of programmes aimed at reducing existing and potentially destabilizing stockpiles by better regulating the flow of new supplies

## II. Links to existing initiatives

Participants recalled the principles behind the United Nations Programme of Action on small arms and light weapons and welcomed progress made since 2001. They noted that the Programme mandate does not currently seek to establish common global standards for the transfer of small arms and light weapons.

Participants committed themselves again to continuing to advance the United Nations Programme of Action. Many acknowledged that an arms trade treaty and the Programme process could be compatible and mutually reinforcing. Participants were seized of the need to ensure that future work under the Programme process and progress towards an arms trade treaty should be complementary and avoid any duplication of effort. It was also recognized that other relevant initiatives should also be taken fully into account, and that work was needed to define conventional arms in the arms trade treaty context at an early stage.

## III. Common ground for global standards

Participants took note of relevant commitments under the United Nations Programme of Action and, in particular, the need to:

- Ensure that States have adequate laws and procedures in place to exercise effective controls over small arms and light weapons
- Assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law, taking into account in particular the risk of diversion of these weapons into illegal trade

Participants agreed that these principles could be applied to all conventional arms.

In discussion, participants noted that transfers could be considered to be irresponsible if it was clear at time of transfer that they:

- Breached United Nations embargoes or States' other international commitments
- Would fuel existing internal or regional conflict or tension
- Clearly risked being diverted to undesirable end-users, including terrorists
- Clearly risked being used to commit breaches of international human rights or humanitarian law

Participants noted that work would be needed to further define these principles, and that information sharing would also be crucial for implementation.

Participants recognized and reaffirmed the right of every State to invest in their own individual and collective self-defence, as enshrined under Article 51 of the United Nations Charter, and that the provision of security (and by extension reasonable access to the necessary tools) was a prerequisite for genuinely sustainable development.

Participants similarly reaffirmed their commitment to the maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, as enshrined in Article 26 of the United Nations Charter.

Overall, participants were clear that binding international standards and definitions of responsibility would be required if irresponsible transfers of conventional arms were to be tackled effectively.

## IV. Negotiating options and future work

Many participants endorsed the United Nations as the most appropriate forum for further discussion of an arms trade treaty with universal application, including for a formal negotiating process. A First Committee resolution, at an appropriate time, could be a suitable route.

The United Nations Programme of Action Review Conference in 2006 was noted as a crucial event.

Participants noted that the Government of the United Kingdom of Great Britain and Northern Ireland would make available a report based on these conclusions around the forthcoming United Nations Biennial Meeting of States. Many also agreed, wherever possible, to draw the conclusions to the attention of other international and regional organizations to garner further support for the principles.